

Message Text

CONFIDENTIAL

PAGE 01 MONTRE 01573 081904Z

43

ACTION IO-03

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FM AMCONSUL MONTREAL

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C O N F I D E N T I A L MONTREAL 1573

E. O. 11652: GDS

TAGS: EAIR, PGOR, ICAO, IS

SUBJ: 21ST ICAO ASSEMBLY: INFORMAL DRAFT RESOLUTION - LIMITED

USE OF JERUSALEM AIRPORT

SUMMARY: USDEL HAS OBTAINED CONFIDENTIALLY COPY OF INFORMAL DRAFT RESOLUTION BEING CIRCULATED BY JORDANIANS ON SUBJECT OF ISRAELI CONTROL OF JERUSALEM AIRPORT. USDEL CANNOT CONFIRM WHETHER OR NOT RESOLUTION WILL OR WILL NOT IN FACT BE INTRODUCED. IF RESOLUTION INTRODUCED, DEL HAS INDICATIONS IT WOULD RECEIVE AT LEAST MAJORITY SUPPORT.

1. FOLLOWING IS TEXT OF INFORMAL DRAFT AGENDA ITEM WHICH USDEL HAS OBTAINED CONFIDENTIALLY AND WHICH SHOULD BE PROTECTED:

"THE ARAB DELEGATIONS ATTENDING THE 21ST SESSION OF THE ICAO GENERAL ASSEMBLY, IN REFERRING TO THE MEMORANDUM SUBMITTED BY THE IRAQI DELEGATION TO THE SECRETARY GENERAL (COPY OF WHICH IS ATTACHED IN APP. 1) AND TO THE REQUEST OF THE JORDANIAN DELEGATION TO INCLUDE THE SUBJECT OF JERUSALEM AIRPORT IN THE AGENDA ITEM, WISH TO DRAW THE ATTENTION OF THE ASSEMBLY TO THE FACT THAT JERUSALEM AIRPORT, WHICH IS OFFICIALLY REGISTERED IN THE REGIONAL PLANS AS A JORDANIAN AIRPORT, LIES IN THE ARAB OCCUPIED TERRITORIES AND, CONSEQUENTLY, THE ESTABLISHMENT OF ANY AIR

CONFIDENTIAL

PAGE 02 MONTRE 01573 081904Z

SERVICES BETWEEN THE SAID AIRPORT AND ANY OTHER POINT SHOULD NOT

BE APPROVED OR AUTHORIZED WITHOUT THE EXPLICIT CONSENT OF THE ARAB AUTHORITIES CONCERNED.

"MOREOVER, THE OPERATION OF ANY AIR SERVICES TO JERUSALEM AIRPORT BY ANY AIRLINE DOES NOT ONLY IMPLY AN ACT OF AGGRESSION AGAINST ARAB SOVEREIGNTY, BUT ALSO CONSTITUTES A VIOLATION TO SECURITY COUNCIL RESOLUTIONS 252 OF THE YEAR 1968, 267 OF 1969, 298 OF THE YEAR 1971, AND THE UNITED NATIONS GENERAL ASSEMBLY RESOLUTION NO. 2949 PARAS. 7 AND 8 (TEXT OF WHICH IS ATTACHED IN APPENDIX 2). WE ARE CONVINCED THAT ALL STATES THAT HAVE ON MORE THAN ONE OCCASION CONDEMNED ISRAEL FOR THE MANY UNLAWFUL ACTS COMMITTED AGAINST THE ARAB NATION, WHETHER BY PARTICIPATING IN THE FORMULATION AND ADOPTION OF THE UNITED NATIONS RESOLUTIONS NO. 242, 2949, AND 338 OR BY EXPRESSING THEIR BELIEF THAT LAND CANNOT BE ACQUIRED BY FORCE SHALL NOT BE A PARTY TO ANY SUCH PLAN BY ISRAEL, WHICH IF CARRIED OUT, WILL BE IN VIOLATION OF ICAO CHARTER AND ALL UNITED NATIONS RESOLUTIONS REFERRED TO ABOVE. "ICAO ASSEMBLY IS THEREFORE INVITED, IN THE LIGHT OF ABOVE FACTS, TO ADOPT THE FOLLOWING DRAFT RESOLUTION:

USE OF JERUSALEM AIRPORT FOR
INTERNATIONAL TRAFFIC

WHEREAS

JERUSALEM AIRPORT LIES IN THE ARAB OCCUPIED TERRITORIES AND IS REGISTERED UNDER THE JURISDICTION OF JORDAN IN ICAO MIDDLE EAST AIR NAVIGATION PLAN;

WHEREAS

PARAGRAPH 7 OF THE UNITED NATIONS GENERAL ASSEMBLY RESOLUTION NO. 2949 DECLARES THAT CHANGES CARRIED OUT BY ISRAEL IN THE OCCUPIED ARAB TERRITORIES IN CONTRAVENTION OF THE GENEVA CONVENTION OF 1949 ARE NULL AND VOID, AND CALLS UPON ISRAEL TO RESCIND FORTHWITH ALL SUCH MEASURES AND TO DESIST FROM ALL POLICIES AND PRACTICES AFFECTING THE PHYSICAL CHARACTER OR DEMOGRAPHIC COMPOSITION OF THE OCCUPIED ARAB TERRITORIES;

WHEREAS

PARAGRAPH 8 OF THE ABOVE MENTIONED RESOLUTION CALLS UPON
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MONTRE 01573 081904Z

ALL STATES NOT TO RECOGNIZE ANY SUCH CHANGES AND MEASURES CARRIED OUT BY ISRAEL IN THE OCCUPIED ARAB TERRITORIES AND INVITES THEM TO AVOID ACTIONS, INCLUDING ACTIONS IN THE FIELD OF AIR, THAT COULD CONSTITUTE RECOGNITION OF THAT OCCUPATION;

WHEREAS

ARTICLES 1, 5, AND 6 OF THE CONVENTION ON INTERNATIONAL

CIVIL AVIATION PROVIDE THAT CONTRACTING STATES RECOGNIZE THAT EVERY STATE HAS COMPLETE AND EXCLUSIVE SOVEREIGNTY OVER THE AIRSPACE ABOVE ITS TERRITORY, AND THAT SCHEDULED OR NON-SCHEDULED INTERNATIONAL AIR SERVICES MAY BE OPERATED OVER OR INTO THE TERRITORY OF A CONTRACTING STATE EXCEPT WITH THE SPECIAL PERMISSION OR OTHER AUTHORIZATION OF THAT STATE;

THE ASSEMBLY RESOLVES THAT ALL CONTRACTING STATES SHOULD IN IMPLEMENTATION OF THE ABOVE RELEVANT UNITED NATIONS GENERAL ASSEMBLY RESOLUTIONS AND ARTICLES OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION TAKE ALL NECESSARY MEASURES TO REFRAIN FROM OPERATING, OR GIVING PERMISSION TO OPERATE TO ANY AIRLINE, ANY AIR SERVICE WHETHER SCHEDULED OR NON-SCHEDULED TO OR FROM JERUSALEM AIRPORT, EXCEPT WITH THE SPECIAL PERMISSION OR AUTHORIZATION OF THE JORDANIAN AUTHORITIES CONCERNED."

2. FOLLOWING IS TEXT OF EMBASSY OF IRAQ, OTTAWA, NOTE TO ICAO SECGEN DATED SEPTEMBER 17, 1974.

"THE DELEGATION OF THE REPUBLIC OF IRAQ TO THE INTERNATIONAL CIVIL AVIATION ORGANIZATION PRESENTS ITS COMPLIMENTS TO THE SECRETARY GENERAL OF ICAO AND HAS THE HONOUR TO DRAW THE ATTENTION TO THE FACT THAT THE ISRAELI OCCUPYING AUTHORITIES, IN THEIR SUCCESSIVE EFFORTS TOWARD THE JUDAIZATION OF JERUSALEM AND IMPOSING SUCH DE FACTO POLICY, ARE PLANNING TO USE THE JERUSALEM AIRPORT FOR TOURISTIC PURPOSES AND TO RECEIVE REGULAR AND CHARTERED INTERNATIONAL FLIGHTS. SUCH AN ACTION IS A CLEAR DEFILANCE OF UNITED NATIONS CHARTER AND RESOLUTIONS ADOPTED BY BOTH THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL, AND IN PARTICULAR RESOLUTIONS #252, 267, 298 OF THE YEARS 1968, 1969, 1971.

CONFIDENTIAL

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PAGE 04 MONTRE 01573 081904Z

"DUE TO THE FACT THAT YOUR ORGANIZATION IS A SPECIALIZED AGENCY OF THE UNITED NATIONS, THE DELEGATION OF THE REPUBLIC OF IRAQ WOULD LIKE TO SUBMIT THIS MATTER TO YOUR URGENT CONSIDERATION ASKING FOR YOUR INTERVENTION TO PASS A RESOLUTION BY WHICH ALL MEMBERS OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION SHALL REFRAIN FROM USING THE JERUSALEM AIRPORT BY THEIR OWN FLIGHTS FOR ANY PURPOSE WHICH MIGHT SERVE THE ISRAELI AIM, AND TO TAKE IMMEDIATE ACTION TO CONDEMN THE ISRAELI PLAN AND TO CALL UPON ISRAELI AUTHORITIES TO RESCIND ALL MEASURES ALREADY TAKEN AND TO DESIST FORTHWITH FROM TAKING ANY ACTION WHICH WOULD ALTER THE STATUS OF JERUSALEM, WHICH IS AN ARAB CITY OCCUPIED ILLEGALLY AND FORCEFULLY BY ISRAELI MILITARY CONQUEST."
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